

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICO CORTEZ DUKES,

Plaintiff,

v.

**DALLAS COUNTY JUDGE
STEPHEN FEIL,**

Defendant.

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Civil Action No. **3:17-CV-2171-L-BK**

ORDER

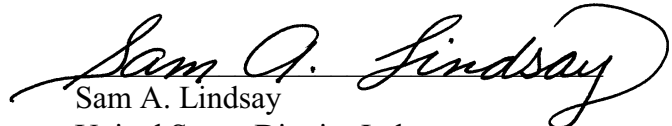
On October 30, 2017, United States Magistrate Judge Magistrate Judge Renée Harris Toliver entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court dismiss this case as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). No objections to the Report were filed.

After considering the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. The court, therefore, **dismisses with prejudice** this action as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion

to proceed *in forma pauperis* on appeal with clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 30th day of November, 2017.


Sam A. Lindsay
United States District Judge